

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**UNITED WORKERS OF AMERICA, LOCAL 322**

**and**

**Case 22-CB-140911**

**(b) (6), (b) (7)(C) An Individual**

**and**

**MEGABUS NORTHEAST L.L.C., Party-In-Interest**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** an individual (“the Charging Party”). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., (“the Act”) and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (“the Board”), and alleges that UNITED WORKERS of AMERICA (UWA) LOCAL 322 (“Respondent”) has violated the Act as described below:

1. The charge in this case was filed by the Charging Party on November 14, 2014, and a copy thereof was served by regular mail on Respondent on November 14, 2014.
2. At all material times, Megabus Northeast L.L.C. (“the Employer”), a corporation, with an office and place of business in Elizabeth, New Jersey, herein called the Employer’s Elizabeth facility, has been engaged in providing long distance intercity bus transportation.
3. In conducting its operations described above in paragraph 2, during the preceding twelve months, the Employer derived gross revenue in excess of \$250,000.

4. During the same period of time described above in paragraph 3, in conducting its business operations described above in paragraph 2, the Employer purchased and received at its Elizabeth, New Jersey facility goods valued in excess of \$50,000 directly from suppliers located outside the State of New Jersey.
5. At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.
6. At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.
7. At all material times, (b) (6), (b) (7)(C) has held the position of Respondent's (b) (6), (b) (7)(C) and has been an agent of Respondent within the meaning of Section 2(13) of the Act.
8. At all material times, by virtue of Section 9(a) of the Act, Respondent has been the exclusive collective-bargaining representative of the following employees of the Employer:
9. About October 30, 2014, Respondent, by (b) (6), (b) (7)(C), via telephone:
  - (a) threatened employees that it would file a harassment complaint against employees because they expressed their opinions regarding collective-bargaining negotiations.
  - (b) threatened employees that it would attempt to have employees discharged if they expressed their opinions regarding collective-bargaining negotiations.
10. By the conduct described above in paragraph 9, Respondent has coerced and threatened employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.
11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraphs 9 and 10, the General Counsel seeks an Order requiring Respondent to: (1) post in the Employer's facility

any Notice to Employees that may issue in this proceeding; and (2) electronically post the Notice to Members for employees at all its represented plants if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations; it must file an answer to the consolidated complaint. The answer must be **received by this office on or before April 2, 2015, or postmarked on or before April 1, 2015.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

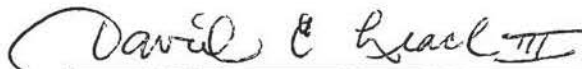
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a

complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 5th day of May, 2015 at 9:30 a.m. at 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102 and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: March 19, 2015



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David E. Leach III, Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102

Attachments